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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MARIA RUTENBURG, an individual,
Plaintiff,
v.
TWITTER, INC., a Delaware Corporat
Defendant.

Case No.: 4:21-cv-00548-YGR

**PLAINTIFF'S EX PARTE MOTION TO
SHORTEN TIME**

**Hearing Date: February 2, 2021
Time: 2:00 p.m.**

NOTICE OF MOTION AND MOTION

PLAINTIFF HEREBY PROVIDES NOTICE that MARIA RUTENBURG (“Plaintiff”) hereby moves the Court Ex Parte for an order shortening time for the Court to consider Plaintiff’s motion for a temporary restraining order (“TRO Motion”) against Defendant TWITTER, INC. This Motion will be based on this Notice of Motion and Motion, the Memorandum of Points and Authorities, and the attached declaration of Mark L. Javitch in Support of Motion to Shorten Time Under L.R. 6-3, any judicially noticed facts, all pleadings and documents, and oral argument, if any.

Plaintiff moves from an order shortening time to hear the TRO Motion from March 9, 2021 to February 9, 2021.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

As detailed in the Amended Complaint, (Dkt. No. 2) and Plaintiff’s motion for a temporary restraining order (Dkt. 9, “TRO Motion”) Plaintiff is currently experiencing irreparable harm, as her civil rights under the First Amendment and the Fourteenth Amendment are currently being infringed. Plaintiff was and is prohibited from commenting on presidential social media postings in a designated public forum, and is currently unable to view, comment or discuss them, despite the forum’s protected status.

II. ARGUMENT

Plaintiff seeks to shorten the time for her motion for a temporary restraining order against Defendant Twitter, Inc. Plaintiff is currently experiencing irreparable harm. The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury. *See Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion).

Plaintiff filed her amended complaint on January 26, 2021. Dkt. 2. Plaintiff filed her TRO motion on January 27, 2021. Although Plaintiff files this motion on an *ex parte* basis, Plaintiff is providing formal notice to Defendant by personal service today. Plaintiff plans to have a copy of the Amended Complaint, TRO Motion, and this Motion to Shorten Time served by personal service on their registered agent on January 28, 2021. Plaintiff will file the proof of service as soon as it becomes available.

Currently, the hearing date for the TRO motion is March 9, 2021. This is over a month away, but that is too long for Plaintiff to reasonably wait while incurring irreparable harm. The events in this case which led to the deprivation of Plaintiff's civil rights occurred in January 2021, so Plaintiff has already had to wait weeks while she retained counsel and developed her case for the TRO Motion. Plaintiff seeks to minimize any further time that her rights are curtailed before her motion can be heard.

1 Therefore, if the TRO Motion is heard on the usual schedule, Plaintiff will be forced to wait several
2 additional weeks while incurring irreparable harm. Plaintiff requests that Plaintiff's TRO Motion should
3 be heard on February 9, 2021 at 2:00 pm; any party opposing the TRO Motion shall file its opposition no
4 later than February 4, 2021; and it is Plaintiff shall file her reply no later than February 8, 2021. There is
5 no undue prejudice to Defendant in having the time shortened to hear the TRO motion.
6

7 **III. CONCLUSION**

8 For the foregoing reasons, Plaintiffs respectfully request that the Court grant the motion to shorten
9 time and hear Plaintiff's TRO motion on February 9, 2021.

10 Dated: January 28, 2021

11 Respectfully submitted,

12 By: /s/ Mark L. Javitch
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